

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD ROSS,

Plaintiff,

CASE NO. 24-CV-11766

-vs-

HON. ROBERT J. WHITE

CITY OF TROY;

PETER HULLINGER, Individually and in  
his Official Capacity as the Troy Fire Department  
Fire Chief;

MARK MILLER, Individually and in his Official  
Capacity as the former Troy City Manager;

ROBERT BRUNER, Individually and in his Official  
Capacity as the former Assistant City Manager and  
Acting City Manager,

Defendants.

---

THE CORTESE LAW FIRM PLC  
NANETTE L. CORTESE (P43049)  
30200 Telegraph Rd., Ste. 400  
Bingham Farms, MI 48025-4506  
(248) 593-6933  
ncortese@thecorteselawfirm.com

---

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, PC  
CARLITO H. YOUNG (P61863)  
MICHAEL T. BERGER (P77143)  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 / Fax: (248) 489-1726  
cyoung@rsjalaw.com  
mberger@rsjalaw.com

---

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT**

NOW COME Defendants, CITY OF TROY, PETER HULLINGER, MARK MILLER and ROBERT BRUNER, by and through their attorneys, ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, P.C., and in answer to Plaintiff's Complaint state as follows:

**I. JURISDICTIONAL AVERMENTS**

1. Admitted.
2. Admitted.
3. Denied as untrue.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted. However, to the extent that this paragraph implies that Defendants are liable for damages or that wrongdoing occurred, that is denied as untrue.

**II. FACTUAL ALLEGATIONS.**

8. Admitted.
9. Admitted.
10. Neither admitted nor denied as Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

11. Neither admitted nor denied as Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

12. Admitted in part and denied in part. Defendant admits that Plaintiff spoke at the Troy City Council meeting on April 17, 2023. However, it denies the rest of the allegation for the reason that it is overly vague and, therefore, mischaracterizes the events that occurred at that meeting.

13. Denied for the reason that it is overly vague and, therefore, mischaracterizes the events that occurred at that meeting.

14. Admitted.

15. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

16. Admitted.

17. Admitted.

18. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

19. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

20. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

21. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

22. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

23. Admitted.

24. Denied for the reason that the allegation is untrue. In particular, Plaintiff was never employed with the City of Troy and no violation of MCL 15.401 occurred.

25. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

26. Denied for the reason that the allegation mischaracterizes the events.

27. Denied for the reason that the allegation is untrue.

28. Denied for the reason that the allegation is untrue.

29. Denied for the reason that the allegation is untrue.

30. Denied for the reason that the allegation mischaracterizes the facts.

31. Denied for the reason that the allegation is untrue.

**COUNT I – VIOLATION OF THE FIRST AND FOURTEENTH  
AMENDMENTS TO THE U.S. CONSTITUTION UNDER 42 U.S.C. § 1983**

32. Defendants incorporate by reference each and every answer to paragraphs 1-31.

33. Defendants deny the allegation for the reason that it mischaracterizes the applicable law.

34. Neither admitted nor denied for the reason that Defendants lack the sufficient information or knowledge to ascertain the truth of the matter asserted.

35. Defendants deny the allegations for the reason that Plaintiff mischaracterizes the underlying facts.

36. Denied for the reason that the allegations are untrue.

37. Denied for the reason that the allegations are untrue.

38. Denied for the reason that the allegations are untrue.

39. Denied for the reason that Plaintiff mischaracterizes the applicable law.

40. Denied for the reason that Plaintiff mischaracterizes the applicable law.

41. Admitted.

42. Denied for the reason that allegations are untrue.

43. Denied for the reason that the allegations are untrue.

WHEREFORE, Defendants respectfully request that this Honorable Court enter judgment of no cause of action in their favor, along with awarding them reasonable costs and reasonable attorney fees.

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, P.C.

/s/ Michael T. Berger  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100  
mberger@rsjalaw.com

Dated: August 27, 2024

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD ROSS,

Plaintiff,

CASE NO. 24-CV-11766

-vs-

HON. ROBERT J. WHITE

CITY OF TROY;

PETER HULLINGER, Individually and in  
his Official Capacity as the Troy Fire Department  
Fire Chief;

MARK MILLER, Individually and in his Official  
Capacity as the former Troy City Manager;

ROBERT BRUNER, Individually and in his Official  
Capacity as the former Assistant City Manager and  
Acting City Manager,

Defendants.

---

THE CORTESE LAW FIRM PLC  
NANETTE L. CORTESE (P43049)  
30200 Telegraph Rd., Ste. 400  
Bingham Farms, MI 48025-4506  
(248) 593-6933  
ncortese@thecorteselawfirm.com

---

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, PC  
CARLITO H. YOUNG (P61863)  
MICHAEL T. BERGER (P77143)  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 / Fax: (248) 489-1726  
cyoung@rsjalaw.com  
mberger@rsjalaw.com

---

**DEFENDANTS' AFFIRMATIVE DEFENSES**

NOW COME Defendants, CITY OF TROY, PETER HULLINGER, MARK MILLER and ROBERT BRUNER, by and through their attorneys, ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, P.C., and state the following for their Affirmative Defenses:

1. Plaintiff has failed to state a claim upon which relief can be granted.
2. Plaintiff has failed to plead and cannot prove any unconstitutional practice, policy, or custom sufficient to state a claim for municipal liability under *Monell v New York City Dept't. of Social Services*, 436 U.S. 658 (1978) and its progeny.
3. Plaintiff's claims are barred in whole or in part by absolute immunity and/or qualified immunity provided by law.
4. Plaintiff's claims may be barred by the doctrine of unclean hands.
5. Plaintiff's political activity, including his campaigning, did not constitute protected speech.
6. Plaintiff's statements to City Council, City employees, and City officials were not the cause or motivation of his termination from his volunteer position.
7. Plaintiff did not suffer adverse action.
8. Defendants' actions are not sufficient to chill a person of ordinary firmness of continuing speech or protected activity.

9. Plaintiff was not afforded protections under MCL 15.403 and lacks standing to seek any recourse under that statute.

10. If Plaintiff seeks damages for an alleged violation of MCL 15.403 (though his Complaint does not seem to imply that it does), the claim fails because there is no private right of enforcement of that statute.

11. Plaintiff has failed to mitigate his damages.

12. Defendants are not a proximate cause of Plaintiff's alleged damages.

Defendants reserve the right to amend this list and include additional defenses that may become known through the course of this litigation.

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, P.C.

/s/ Michael T. Berger

MICHAEL T. BERGER (P77143)  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100  
mberger@rsjalaw.com

Dated: August 27, 2024



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD ROSS,

Plaintiff,

CASE NO. 24-CV-11766

-vs-

HON. ROBERT J. WHITE

CITY OF TROY;

PETER HULLINGER, Individually and in  
his Official Capacity as the Troy Fire Department  
Fire Chief;

MARK MILLER, Individually and in his Official  
Capacity as the former Troy City Manager;

ROBERT BRUNER, Individually and in his Official  
Capacity as the former Assistant City Manager and  
Acting City Manager,

Defendants.

---

THE CORTESE LAW FIRM PLC  
NANETTE L. CORTESE (P43049)  
30200 Telegraph Rd., Ste. 400  
Bingham Farms, MI 48025-4506  
(248) 593-6933  
ncortese@thecorteselawfirm.com

---

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, PC  
CARLITO H. YOUNG (P61863)  
MICHAEL T. BERGER (P77143)  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 / Fax: (248) 489-1726  
cyoung@rsjalaw.com  
mberger@rsjalaw.com

---

**DEFENDANTS' RELIANCE ON PLAINTIFF'S JURY DEMAND**

NOW COME Defendants, CITY OF TROY, PETER HULLINGER, MARK MILLER and ROBERT BRUNER, by and through their attorneys, ROSATI, SCHULTZ, JOPPICH & AMTSBUECHLER, P.C., who hereby rely upon the jury demand filed in the above matter.

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, P.C.

/s/ Michael T. Berger

MICHAEL T. BERGER (P77143)  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100  
mberger@rsjalaw.com

Dated: August 27, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2024, the foregoing paper was electronically filed with the Clerk of the Court using the CM/ECF e-filing system which will send notification of such filing to all counsel of record.

ROSATI SCHULTZ JOPPICH &  
AMTSBUECHLER, P.C.

/s/ Michael T. Berger

MICHAEL T. BERGER (P77143)  
Attorneys for Defendants  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100  
mberger@rsjalaw.com